

<b>Meeting Date:</b>  <b>February 28, 2019</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 1 of 15</b>
--	--	---------------------

### **Board Members Present**

Jennifer Ferrera Schmid, President, Public Member  
Dave Connolly, Vice President, Public Member  
David Hoppes, Dry Cargo Industry Member  
Captain George Livingstone, Pilot Member  
Captain Einar Nyborg, Pilot Member  
John Schneider, Wet Cargo Industry Member

### **Board Members Absent**

Matt Brooks, Public Member  
Brian Annis, Secretary of the California State Transportation Agency (CalSTA)

### **Staff Present**

Allen Garfinkle, Executive Director  
Roma Cristia-Plant, Assistant Director  
Dennis Eagan, Board Counsel  
Luis Cruz, Associate Governmental Program Analyst  
Alethea Wong, Administrative Assistant II

### **Public Present**

Captain Dave McCloy, San Francisco Bar Pilots (SFBP) Acting Port Agent; Ray Paetzold, SFBP Business Director-General Counsel; Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel; Captains Steven Teague, Gregory Tylawsky, and David Cvitanovic, SFBP.

## **OPEN MEETING**

### **1. Call to Order and Roll Call – President Schmid**

President Schmid called the meeting to order at 9:31 a.m. Associate Governmental Program Analyst Cruz called the roll and confirmed a quorum.

### **2. Review and approval of Board meeting minutes – President Schmid**

#### **Board action to approve the minutes from the Board meeting held on January 24, 2019.**

Board members were presented with the draft minutes from the January 24, 2019, meeting. President Schmid requested a non-substantive edit to the minutes. There was no further discussion.



<b>Meeting Date:</b>  <b>February 28, 2019</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 2 of 15</b>
--	--	---------------------

- MOTION:** President Schmid moved to approve the draft minutes of the meeting held on January 24, 2019, as amended. Vice President Connolly seconded the motion.
- VOTE:** YES: Schmid, Connolly, Hoppes, Livingstone, Nyborg, and Schneider.  
NO: None.  
ABSTAIN: None.
- ACTION:** The motion was approved.

### **3. President Announcements and Activities – President Schmid**

President Schmid reported that she briefly attended a test run of the simulator exercise for the upcoming Pilot Trainee Training Program selection examination. She thanked the many Board-licensees that are participating in the development of both the written and simulator test components of the next trainee selection examination.

President Schmid congratulated Vice President Connolly on his successful election as President of the Sailors' Union of the Pacific.

President Schmid presented Certificates of Appreciation to Commissioners Livingstone and Schneider as this was their last Board meeting as commissioners. President Schmid thanked both commissioners for their extensive service to the Board.

### **4. Board Member Announcements and Activities – Board Members**

There were no announcements.

### **5. Directors' Report – Executive Director Garfinkle/Assistant Director Cristia-Plant**

#### **A) Correspondence and activities since the Board meeting held on January 24, 2019.**

Executive Director Garfinkle reported on the correspondence and activities since the last Board meeting as follows:

- On January 25, 2019, Board staff received United States Coast Guard (USCG) Marine Safety Information Bulletin (MSIB) 01-19 concerning Commercial Vessel Safety during the lapse in the USCG appropriations for fiscal year 2019. He stated that of importance to the Board was that there was limited processing during the federal government shutdown of national endorsements and standards of training, certification and watchkeeping endorsements, and that mariners who submitted renewal applications could continue to sail under expired endorsements for a limited period of time. He stated that Update 2 to the MSIB indicated that authorized certificates that expired between December 2018 and February 2019 were extended to



<b>Meeting Date:</b>  <b>February 28, 2019</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 3 of 15</b>
--	--	---------------------

April 30, 2019.

- On January 26, 2019, Board staff was made aware of a United Kingdom Marine Accident Investigation Branch accident report on the grounding of the general cargo vessel CELTICA HAV in the approach to the river Neath, Wales, on March 27, 2018. He stated the report identified that the pilot did not have full positional awareness when CELTICA HAV left the dredged channel, that a detailed pilotage plan had not been made by either the ship or the pilot, and that the master-pilot exchange did not cover all hazards.
- On January 29, 2019, Board staff received a letter from Thomas Willis of Remcho, Johansen, and Purcell LLP, confirming that their representation of the Board of Pilot Commissioners was now concluded.
- Also on January 29, 2019, Board staff received a copy of the signed Administrative Order for the Board of Pilot Commissioners prepared by Board staff from the California Governor's Office of Emergency Services (Cal OES). The order covers the Board's role in emergency preparedness and response.
- On January 30, 2019, Board staff received a copy of the PMSA *West Coast Trade Report* for the month of January, 2019, which contained the usual parsing of the latest container trade numbers and two editorials.
- On January 31, 2019, Board staff received a copy of a letter from Captain Joe Long, SFBP President, addressed to Governor Gavin Newsom, informing him that Captain Cvitanovic has the full support of the SFBP for the Board's open pilot commissioner seat.
- On February 4, 2019, the National Transportation Safety Board (NTSB) published a *2019-2020 NTSB Most Wanted List of Transportation Safety Improvements*. Among the listed improvements were two items related to maritime: reduce fatigue related accidents, and eliminate distractions.
- On February 5, 2019, Board staff were made aware that a Brazilian pilot fell while embarking a containership during heavy rain and disturbed seas. The pilot was promptly recovered by the pilot boat, but was found unconscious. He was subsequently brought ashore, and was declared dead.
- On February 7, 2019, he attended a Director's meeting at CalSTA headquarters in Sacramento.
- On February 14, 2019, he and Assistant Director Cristia-Plant attended a meeting of the Harbor Safety Committee held at Pier One in San Francisco.
- On February 15 and 16, 2019, he attended a Pilot Trainee Training Selection Exam simulator development meeting at California State University Maritime Academy with members of the Pilot Evaluation Committee (PEC) and California Department of Human Resources (CalHR) Assistant Chief Steve R. VanKrevelen.
- On February 20, 2019, Board staff received a copy of the PMSA *West Coast Trade Report* for the month of February, 2019, which contained the usual parsing of the latest container trade numbers and two editorials.
- On February 25, 2019, he briefly attended the Pilot Trainee Training Program



<b>Meeting Date:</b>  <b>February 28, 2019</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 4 of 15</b>
--	--	---------------------

selection examination written exam component development session held at the SFBP pilot office at which he thanked PEC Chairman Captain Steve Teague and retired pilots Captains Burger, McIsaac, and Lemke for their participation in the development of the written exam. He noted that utilizing recently retired Board-licensees as subject matter experts to develop the written exam component not only relieves pressure on the SFBP work roster, but it also adds to the content security of the written exam since the retired pilots are no longer involved in day-to-day piloting discussions.

**B) Report on pilot licensing matters in the past month and current month.**

Executive Director Garfinkle reported that since the January 2019 Board meeting, the Board issued licenses to Captains Lingo, Stultz, and Hirschfeld.

**C) Report on Board surcharges.**

Executive Director Garfinkle reported that for the month of January 2019, the Board received a check from the SFBP in the amount of \$208,064.07, itemized as follows:

- Board Operations Surcharge: \$ 107,649.07
- Trainee Surcharge: \$ 81,465.00
- Continuing Education Surcharge: \$ 18,950.00

**D) Report on legislative activities and contractual matters.**

Assistant Director Cristia-Plant stated there were no legislative activities to report on.

Assistant Director Cristia-Plant reported the following on contractual matters:

- Board staff provided training to the certified public accounting firm that is contracted to perform the San Francisco Bar Pilot Pension Plan calculation services, and the firm satisfactorily completed the January 2019 pension allocation report in early February 2019. She reported that it was a smooth transition of the pension calculation work from Board staff to the firm.
- The bids for the San Francisco Bar Pilot Pension Plan actuarial services were due on February 6, 2019. Five bids were received, and the lowest responsive and responsible bid came in at \$6,750 from Precision Actuarial. Board staff are awaiting the return of the signed contract from the contractor. She reported that the Precision Actuarial's bid amount is approximately half of the cost of the 2009 actuarial study, and much lower than the other bids received.
- Board staff are working on contract amendments to the State Controller's Office contract to rearrange the budget because audit costs exceeded projected costs for the



<b>Meeting Date:</b>  <b>February 28, 2019</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 5 of 15</b>
--	--	---------------------

2017 audit. She noted that the total contract price is to remain the same. She reported that Board staff are expecting that the amendment will be signed in the next week or two.

- On January 29, 2019, Board staff completed a contract amendment to the contract with the California State University Maritime Academy for Pilot Trainee Training Program Selection Examination Services to change the university staff working on the project. Captain Schisler was added to the university staff working on the simulator exam component.
- Board staff submitted contract amendment documents to the California Highway Patrol (CHP) to amend the contract with the California State University Maritime Academy for pilot continuing education services to allow the university's Director of Extension Services to sign invoices on behalf of the Principal Instructor.
- Board staff were unable to work on crafting a contract with the California Department of Human Resources for trainee random drug testing. Documents are expected to be drafted and provided to CHP in the next couple of months.

Assistant Director Cristia-Plant confirmed for Vice President Connolly and Commissioner Nyborg that current state procurement procedures require that the bid from the lowest responsive and responsible firm is to be accepted, as it was in the case of the pension actuary procurement. She stated the pension actuary contract budget includes one payment for a report to be accepted by the Board, and that if for some reason Precision Actuarial is unable to deliver an acceptable report, Board staff would go out to bid again to select a replacement firm. Commissioner Hoppes stated that the Pension Committee would soon need to meet to work with the Precision Actuarial staff to establish the assumptions for the pension plan actuarial report.

Commissioner Nyborg thanked Board staff for the significant advertising of the upcoming Pilot Trainee Training Program selection exam, and the extensive information about the exam on the Board's website.

Vice President Connolly commented that the Marine Accident Investigation Branch accident report provided by Executive Director Garfinkle identified that the pilot did not have full situational awareness. He also commented that the NTSB Most Wanted list did a good job of identifying the need to reduce fatigue and eliminate distractions, and that it mentions the OVERSEAS REYMAR, in the context of distraction. Lastly he commented that the federal government shutdown directly impacts public safety, and could happen again. He mentioned that 33 investigations were postponed during the shutdown, with evidence likely lost or not retrievable, and he cited a near-miss aviation event in Oakland that was attributable to the shutdown.



<b>Meeting Date:</b>  <b>February 28, 2019</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 6 of 15</b>
--	--	---------------------

## **6. Port Agent's Report – Captain Joseph Long**

### **A) Monthly report on San Francisco Bar Pilots (SFBP) pilot availability and absences.**

Acting Port Agent McCloy reported that Captain Kleess has been absent for medical reasons (AFMR) since November 26, 2018, and Captain Long was AFMR since February 19, 2019.

He reported that the SFBP continually monitors the dispatch list for possible 12-hour minimum rest period (MRP) exceptions, and if the potential exception is likely to result in a rest period of less than 10 hours, mitigation measures are employed by the SFBP. He reported that the mitigating measures include, but are not limited to, suspending continuing professional development protocols, cancelling scheduled meetings, cancelling previously granted compensated-time-off requests, suspending SFBP internal working rules, and calling in off-watch pilots.

He reported that there are currently 55 licensed pilots. He reported that there were 26 MRP exceptions in January 2019. The shortest rest period was 6.5 hours. Acting Port Agent McCloy noted that the pilot actually had more rest time than the 6.5 hours reported since the MRP report assumed that the pilot incurred 3 hours of round trip travel between the pilot office and Stockton to pick up the subsequent Stockton work assignment.

### **B) Monthly report on SFBP ship piloting business activity.**

Acting Port Agent McCloy reported that the P/V SAN FRANCISCO returned to Pier 9 from the shipyard on January 29, 2019, and was back in service on February 8, 2019.

Acting Port Agent McCloy reported the billed vessel moves for January 2019, as follows:

- Bar crossings: 562 moves
- Bay moves: 167 moves
- River moves: 49 moves
- Total moves: 778 moves
- Gross registered tons (GRT): 32.4 million

He reported that when comparing 2019 year-to-date vessel move data with the same period in 2018, total moves were up 6.7% and GRT was up 4.7%.

Acting Port Agent McCloy confirmed for Commissioner Hoppes that the shipping volume to the Port of Stockton is up, and that the port will soon approve more pilots to navigate vessels in and out of port.



<b>Meeting Date:</b>  <b>February 28, 2019</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 7 of 15</b>
--	--	---------------------

**C) Monthly confidential written report of SFBP pilots who have been absent for medical reasons (AFMR). The Board may go into closed session to discuss contents of the Port Agent's confidential report as authorized by Harbors and Navigation Code § 1157.1.**

There was no discussion of the confidential written report of pilots who have been absent for medical reasons. There was no closed session discussion of this item.

**7. Pilot Evaluation Committee – Captain Teague**

**A) Report on the Pilot Evaluation Committee (PEC) meeting held on February 20, 2019.**

PEC Chairman Captain Teague reported the following:

- The PEC met on February 20, 2019, and that he, Executive Director Garfinkle, and Committee members Boriolo, Carlier, Haggerty, and Robinson were present.
- All trainees were interviewed and counseled individually in closed session by the PEC members on their progress in the Pilot Trainee Training Program.
- The seven current trainees are: Captains Burchard, Corbett, Crowl, Nelson, Pyne-Mercier, Starnitzky, and Stevens. The range of time in the program for these trainees spans 1 month to 19 months.
- Five of the seven trainees have their full unlimited federal pilotage endorsement with the United States Coast Guard.
- Captains Nelson and Stevens are presently riding for unlimited-tonnage route trips, and are beginning to handle vessels in routes where they have their pilotage endorsements.
- All trainees are handling vessels as much as possible.
- Two trainees are in evaluation stage.
- All individuals are presently meeting the recommended benchmarks in the program, and are progressing at their individual rates.
- On February 4, 2019, February 5, 2019, and February 6, 2019, he and four retired pilots met with personnel from CalHR to serve as subject matter experts to develop, write, and vet the questions for the upcoming Pilot Trainee Training Program selection written exam.
- On February 25, 2019, CalHR personnel, three retired pilots who served as subject matter experts, and he selected individual questions to be included in the trainee program written exam component. No additional meetings are scheduled or needed as the written test development is complete.
- On February 15, 2019 and February 16, 2019, the PEC met with Board President Schmid, personnel from California State University Maritime Academy, CalHR, and the BOPC, and observed the beta testing of the trainee program simulation exam component while current BOPC-licensees participated as mock test applicants. The next meeting for the simulator exam development is scheduled for March 12, 2019, and additional meetings may be needed to further refine the simulator exam.



<b>Meeting Date:</b>  <b>February 28, 2019</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 8 of 15</b>
--	--	---------------------

- The next PEC meeting is scheduled for March 20, 2019, at 7:30 a.m. at the Board office.

**B) Possible PEC recommendation to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program. Possible Board action to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program.**

There was no recommendation.

**C) Possible PEC recommendation for a determination that a trainee has or trainees have completed the Pilot Trainee Training Program. Possible Board action to award a Certificate of Completion to a trainee who has completed the Pilot Trainee Training Program.**

There was no recommendation.

**D) Possible recommendation from the Executive Director for the appointment of a new pilot or pilots. Possible Board action to accept a recommendation from the Executive Director that a trainee holding a Certificate of Completion from the Pilot Trainee Training Program be licensed as a state-licensed pilot.**

There was no recommendation.

**8. Reported Safety Standard Violations – Executive Director Garfinkle  
(Reported safety standard violations occurring up to the start of the meeting will be reported on.)**

**Report on the M/V CEPHEUS OCEAN pilot ladder found deficient by Captain Kirk on February 3, 2019.**

Executive Director Garfinkle reported that on February 4, 2019, he received a Pilot Boarding Arrangement Deficiency report from Captain Kirk dated February 3, 2019. The report stated that while Captain Kirk was disembarking the M/V CEPHEUS OCEAN at the pilot station, he observed that the pilot ladder was in poor condition, that the rope was worn and rotten, and that the lashing had given way at the lowest spreader. Executive Director Garfinkle stated that the ship was heading back to the Far East.



<b>Meeting Date:</b>  <b>February 28, 2019</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 9 of 15</b>
--	--	---------------------

**9. Reportable Piloting Events – Executive Director Garfinkle**  
**(Reportable piloting events occurring up to the start of the meeting will be reported on.)**

**A) Progress report on the interaction between the M/V XING ZUN HAI while passing the mooring M/V WENCHE VICTORY in Stockton on October 4, 2018. Possible Board action to grant the Incident Review Committee an extension to present the M/V XING ZUN HAI report at the Board meeting to be held on March 28, 2019.**

Executive Director Garfinkle reported that on October 4, 2018, the M/V XING ZUN HAI was inbound to the Port of Stockton. While entering the port, the M/V XING ZUN HAI passed the M/V WENCHE VICTORY, which was in the process of mooring. He reported that during the evolution, the M/V WENCHE VICTORY experienced interaction which resulted in two parted mooring lines. There were pilots aboard both vessels. He stated the Incident Review Committee report was not available to be presented at the February Board meeting because the report is not yet complete due to staff workload, that he has identified that the event did not involve an immediate safety issue, and that the Incident Review Committee requested an extension to present this report at the March Board meeting.

**MOTION:** Vice President Connolly moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V XING ZUN HAI at the March 2019 Board meeting. Commissioner Livingstone seconded the motion.

**VOTE:** YES: Schmid, Connolly, Hoppes, Livingstone, Nyborg, Schneider  
NO: None  
ABSTAIN: None

**ACTION:** The motion was approved.

**B) Progress report on the unintended contact between the M/V ALYARMOUK and a temporary buoy marking the Fleet Week parade boundaries on October 7, 2018. Possible Board action to grant the Incident Review Committee an extension to present the M/V ALYARMOUK report at the Board meeting to be held on March 28, 2019.**

Executive Director Garfinkle reported that on October 7, 2018, the M/V ALYARMOUK was inbound from the pilot station, and that, following a pilot change off the city front, the ship allided with a temporary buoy marking the Fleet Week air box. He stated this report was not available to be presented at the February Board meeting because the investigation was not yet completed due to staff workload, and that the Incident Review Committee requested an extension to present this report at the March Board meeting.



<b>Meeting Date:</b>  <b>February 28, 2019</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 10 of 15</b>
--	--	----------------------

**MOTION:** Commissioner Nyborg moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V ALYARMOUK at the March 2019 Board meeting. Commissioner Schneider seconded the motion.

**VOTE:** YES: Schmid, Connolly, Hoppes, Livingstone, Nyborg, Schneider  
NO: None  
ABSTAIN: None

**ACTION:** The motion was approved.

**C) Progress report on the M/V ARCTIC making unintended contact with the AMORCO dock (MRZ5) on December 2, 2018. Possible Board action to grant the Incident Review Committee an extension to present the M/V ARCTIC report at the Board meeting to be held on March 28, 2019.**

Executive Director Garfinkle reported that on December 2, 2018, the M/V ARCTIC was mooring port side to at the AMORCO dock (MRZ5) when the bow made unintended contact with the dock structure, resulting in minor damage to the dock structure. He stated that this report was not available to be presented at the February Board meeting because the investigation was not yet complete, and that the Incident Review Committee requested an extension to present this report at the March Board meeting.

**MOTION:** Commissioner Hoppes moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V ARCTIC at the March 2019 Board meeting. Commissioner Schneider seconded the motion.

**VOTE:** YES: Schmid, Connolly, Hoppes, Livingstone, Nyborg, Schneider  
NO: None  
ABSTAIN: None

**ACTION:** The motion was approved.

**10. Loss-of-Propulsion/Low-Sulfur-Fuel Report – Executive Director Garfinkle**

**Report on loss-of-propulsion events arising in January 2019, as reported by the U.S. Coast Guard, including those events suspected to be due to low-sulfur-fuel issues.**

Executive Director Garfinkle reported that, according to the USCG's Prevention/Response-San Francisco Harbor Safety Statistics report for the month of January 2019, there was one loss-of-propulsion event that was attributed to an alarm failure, and one loss-of-steering event of a vessel that was approaching a pier, and that the safety issue was resolved when the vessel switched steering pumps.



<b>Meeting Date:</b>  <b>February 28, 2019</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 11 of 15</b>
--	--	----------------------

Commissioner Livingstone commented on a USCG marine casualty involving a collision between a recreational vessel with 6 persons on board and a tug and barge near the Union Pacific Railroad Bridge. Commissioner Livingstone stated that when there is a tug and barge approaching the lift span, the priority consideration is the safety of the vessel and the bridge, not a nearby boat, and that this instance could have easily involved a ship with a pilot on it. He stated that pilots are legally responsible for watching out for both the ship and other boats nearby. Commissioner Nyborg commented that according to the rules of the road, a ship must avoid an incident, but that sometimes ships need advance notice to take evasive actions.

#### **11. Navigation Technology Equipment and Software Acquisition Update – SFBP Business Director-General Counsel Paetzold**

**Status report on the SFBP’s navigation technology equipment and software implementation.**

Mr. Paetzold reported that the route piloting and the precision docking equipment and software are working well. He stated that he will continue to provide monthly updates about the technology.

President Schmid deferred agenda item 12 to later in the meeting.

#### **13. Progress Report on the Pilot Trainee Training Program Selection Examination – Director Garfinkle.**

**Report on the progress of the Pilot Trainee Training Program Selection Examination.**

Executive Director Garfinkle thanked Captain Teague and the PEC members, CalHR, California State University Maritime Academy, and BOPC staff for their efforts regarding the upcoming Pilot Trainee Training Program selection examination. He reported the following exam advertising efforts:

- A full-page advertisement and press release were sent to maritime academies, maritime unions, and related nonprofit groups;
- The same information was uploaded to the *Women Offshore* and *Black Maritime* websites.
- There were over 800 shares of his *gCaptain.com*-sponsored post about the exam, and between 40 to 60 shares of the *gCaptain.com* sponsored post on *Facebook*.
- Ads were also placed with *gCaptain.com* and *Professional Mariner* magazine. He reported that MITAGS-PMI also posted the exam information on its bulletin board and distributed the information via email.



<b>Meeting Date:</b>  <b>February 28, 2019</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 12 of 15</b>
--	--	----------------------

Executive Director Garfinkle noted that the Washington Board of Pilotage Commissioners recently completed testing for their pilot trainee program, and in January posted an eligibility list containing 16 candidates. He noted that this exam may impact the availability of applicants to the Board's pilot trainee exam.

There was a discussion of the Board's minimum eligibility qualifications for the Pilot Trainee Training Program selection examination. Commissioner Nyborg noted that the Board may be missing out on qualified mariners who have sufficient experience, but that certain job titles or classifications do not necessarily meet the current exam minimum qualification requirements. He cited examples of job titles including second captain, staff captain, and chief mate, and noted that these positions require the incumbent to perform the same work as the captain when the captain is not available. Commissioner Schneider noted that in the last trainee program selection exam, the Selection Appeals Committee approved an applicant with staff captain experience as meeting the exam minimum qualifications.

Board Counsel Eagan cautioned the Board concerning relying on the Selection Appeals Committee to make interpretations of the exam minimum eligibility qualification requirements. He went on to state that if such issues continue to arise, and it is determined that the minimum qualifications should be changed to include broader maritime job classifications, the Board should consider amending the regulations.

President Schmid called for a short recess.

**RECESS BEGAN: 11:02 a.m.**  
**RETURN TO OPEN SESSION: 11:10 a.m.**

#### **14. Report on Pilot Retirement Survey – Associate Governmental Program Analyst Cruz**

##### **Report on the results of the most recent Pilot Retirement Survey.**

Associate Governmental Program Analyst Cruz reported the following:

- There are currently 55 Board-licensed Pilots. The Board-designated maximum number of licensed pilots is 60.
- As of February 27, 2019, there are seven pilot trainees, and Captains Corbett and Burchard are in the evaluation stage of the Pilot Trainee Training Program.
- There are two trainees remaining on the current program eligibility list; however, both candidates are currently in other pilot trainee programs.
- There are ten pilots eligible to retire in 2019, and three pilots have indicated an intent to retire in 2019.
- He noted that health and financial issues were topics that may affect when a pilot chooses to retire.



<b>Meeting Date:</b>  <b>February 28, 2019</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 13 of 15</b>
--	--	----------------------

Executive Director Garfinkle confirmed that according to the regulations, the Board will continue to consider the two candidates remaining on the 2017 trainee eligibility list until the list expires in 2020, or until the candidates remove themselves from the list, and that the two remaining candidates from the 2017 list have priority over the candidates that will be on the 2019 trainee eligibility list.

#### **15. Board discussion of best practices in Maritime Safety – Vice President Connolly**

**A Board discussion of best practices in maritime safety and/or lessons from Incident Review Committee incident reports or other sources, and possible directions to staff to develop safety policies and procedures. Possible Board action to direct staff to develop maritime safety policies and procedures.**

Vice President Connolly stated that the safety issues were discussed earlier during the Board meeting.

President Schmid returned to agenda item 12.

#### **12. Pilot Fitness Committee – Knute Michael Miller**

**A) Report on the Pilot Fitness Committee meeting held on February 26, 2019.**

**B) Progress report on the Committee’s review of the July 2018 San Francisco Bar Pilot Fatigue Study prepared by the San Jose State University Research Foundation and the National Aeronautics and Space Administration, the identification of key recommendations appropriate for incorporation into regulations, and the development of a fatigue risk management policy. Possible Pilot Fitness Committee recommendation to the Board to approve a fatigue risk management policy, and an outline of potential fatigue risk management regulations. Possible Board action to approve a fatigue risk management policy, and an outline of potential fatigue risk management regulations.**

Executive Director Garfinkle gave a report on behalf of Committee Chairman Miller, and reported the following:

- The Committee extensively reviewed the 19 recommendations from the Pilot Fatigue Study.
- Some of the recommendations are suitable to be included in new regulations, and some recommendations can be included in a pilot fatigue risk management plan or otherwise implemented by the Board.



<b>Meeting Date:</b>  <b>February 28, 2019</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 14 of 15</b>
--	--	----------------------

- In response to one study recommendation that the Board provide pilots with fatigue information, Board staff obtained educational materials regarding the use of caffeine provided by National Aeronautics and Space Administration (NASA).
- Commissioner Miller and the Committee had compiled a draft plan for how to proceed with regulations that the Committee intends to more fully develop before it returns to the Board with broad fatigue mitigation regulatory and other recommendations. It is the Committee's intent to work with the Rules and Regulations Committee on final pilot fatigue mitigation regulations.

Commissioner Nyborg noted that the SFBP has already incorporated some of the fatigue mitigation elements into the current work rules and processes, and that the pilots are waiting for additional direction from the Board on requirements of a pilot fatigue risk management plan.

Vice President Connolly mentioned that the Committee's work will serve as a road map for pilot fatigue mitigation measures that are to be developed. Mr. Jacob noted that he has had several conversations with Mr. Miller, and that the goal is to develop enforceable regulations to mitigate pilot fatigue. Mr. Paetzold complimented the Committee on its detailed work reviewing and considering all 19 study recommendations.

#### **16. Incident Review Committee report on the M/V XING ZUN HAI - President Schmid**

**A presentation of the Incident Review Committee report on the event involving the interaction between the M/V XING ZUN HAI while passing the mooring M/V WENCHE VICTORY in Stockton on October 4, 2018. Board deliberation and decision with respect to possible pilot error. Board determination with respect to further actions, if appropriate. The Board may go into closed session for the deliberation of the incident report presented under this item pursuant to Harbors and Navigation Code §1180.6(a) and Government Code §11126(c)(3).**

President Schmid announced that this item was not being presented.

President Schmid deferred item 17 to later in the meeting.

#### **18. Public comment on matters not on the agenda.**

There were no comments from the public.

#### **19. Proposals for the next Board meeting agenda.**

There were no recommendations for the next meeting agenda.



<b>Meeting Date:</b>  <b>February 28, 2019</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 15 of 15</b>
--	--	----------------------

President Schmid called for a short recess.

**RECESS BEGAN:** 11:35 a.m.  
**RETURN TO OPEN SESSION:** 11:42 a.m

#### **17. Performance Evaluation of the Executive Director – President Schmid**

**Annual Performance Evaluation of Executive Director. The Board may go into closed session pursuant to 11126(a)(1) of the Bagley-Keene Open Meeting Act to discuss the evaluation.**

President Schmid called for a closed session.

**CLOSED SESSION BEGAN:** 11:43 a.m.  
**RETURN TO OPEN SESSION:** 12:20 p.m.

President Schmid reported that the annual performance evaluation of the Executive Director was completed in closed session.

#### **18. Adjournment.**

**MOTION:** President Schmid moved to adjourn the meeting. Vice President Connolly seconded the motion.

**VOTE:** YES: Schmid, Connolly, Hoppes, Livingstone, Nyborg, and Schneider.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved and the meeting adjourned at 12:20 p.m.

Submitted by:

